

Application No. : 10/775,522
Responsive to an Office Action mailed October 31, 2005
Response filed January 18, 2006

REMARKS

Claim 1-34 are pending. Claims 12-34 are withdrawn from consideration.

Claim Rejections Under 35 U.S.C. § 102

Claims 1-3 and 5-11 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,226,056 (Kikuchi). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Independent claim 1 recites in relevant part "the first load platform is mounted outside of the second load platform." An embodiment of this arrangement is illustrated, for example, in FIGS. 1A-1C and described in ¶¶ [0026]-[0031] of the present application. In this embodiment, an upper or first load platform is formed by a plurality of support pins 110. As best seen in FIG. 1B, the first load platform is positioned above a lower or second load platform, which in this embodiment is a susceptor 120. As best seen in FIG. 1B, despite the fact that the first load platform is above the second load platform 120, the support pins 110 forming the first load platform are not mounted on the second load platform 120. Instead, the support pins are mounted to a slip ring 130, which is *outside* the second load platform 120: that is outside the perimeter of the second load platform.

The Examiner cites FIG. 16 of Kikuchi referring to the lift pins 16 as a first load platform and the heating means 51 as a second load platform. The Examiner further refers to the lift pins 16 connected to the lifting apparatus 15 as "mounted outside of the second load platform." In contrast with the arrangement recited in claim 1, in FIG. 16 of Kikuchi, the lift pins 16 are mounted within the perimeter of the heating means 51, however. Accordingly Kikuchi does not disclose every element recited in claim 1 and does not anticipate claim 1 for at least this reason. Because claims 2-3 and 5-11 are dependent on claim 1, Kikuchi also does not anticipate claims 2-3 and 5-11 for the same reason.

Claim Rejections Under 35 U.S.C. § 103

Claim 4 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Kikuchi. A *prima facie* rejection for obviousness requires: (1) a disclosure or suggestion of every element of the claim in the cited reference or references; (2) a suggestion or motivation to modify or combine

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the references; and (3) a reasonable expectation of success. The suggestion to combine and the reasonable expectation of success must be found in the prior art or known to one skilled in the art. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

As discussed above, Kikuchi does not disclose every element recited in claim 1. Kikuchi also does not suggest a first load platform mounted outside the second load platform. Because claim 4 is dependent on claim 1 and recites additional features, Kikuchi also does not disclose or suggest every element of claim 4. Accordingly, claim 4 is not obvious over Kikuchi for at least this reason.

Rejoinder of Withdrawn Claims Under M.P.E.P. 821.04

Because claim 1 allowable, Applicants request rejoinder of withdrawn claims 12-34 under M.P.E.P. 821.04, which provides:

[I]f applicant elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product claim will be rejoined.

Claim 1 is a product claim. Claims 12-34 are process claims which depend either directly or indirectly on claim 1.

Applicants submit that this response addresses and overcomes all outstanding rejections in this case. If the Examiner believes that any remaining issues could be resolved in an Examiner's amendment, the Examiner is invited to contact the undersigned. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated:

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